

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SAFECO INSURANCE COMPANY OF  
AMERICA,

Plaintiff,

-against-

A. WILLIAMS TRUCKING AND  
BACKHOE TRENCHING INC., et al.,

Defendants.

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A P P E A R A N C E S:

LAWRENCE S. NOVAK, ESQ.  
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AZRACK, United States Magistrate Judge

By order dated April 10, 2007, plaintiff's motion for summary judgment was referred to me for a report and recommendation. Thereafter, between April and as recently as June 20, 2007, this Court conducted numerous settlement conferences in an effort to resolve this matter. Unfortunately, settlement was not reached. Defendants have advised this Court that they do not oppose plaintiff's motion and have not filed any opposition to said motion. As such, I therefore, respectfully recommend that summary judgment be granted in favor of Safeco for (i) Safeco's unreimbursed losses of \$248,546.30 plus interest at the rate of nine percent per annum from

REPORT & RECOMMENDATION

CV-06-2263 (NGC) (JMA)

February 5, 2007 to entry of judgment (ii) liability for Safeco's attorneys fees and expenses, with the amount to be determined at an inquest conducted by this Court.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal any judgment entered by the District Court's in reliance on this Report and Recommendation. See 28 U.S.C. § 636(b)(1) (2005); Fed. R. Civ. P. 72, 6(a), 6(e).

SO ORDERED.

Dated: Brooklyn, New York  
June 25, 2007

S/ Joan M. Azrack

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JOAN M. AZRACK  
UNITED STATES MAGISTRATE JUDGE